



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152

WASHINGTON, MONDAY, FEBRUARY 13, 2006

No. 17

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 14, 2006, at 2 p.m.

Senate

MONDAY, FEBRUARY 13, 2006

The Senate met at 12 noon and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, we take refuge in You. Thank You for guiding us through life's trials and for giving us songs in the night. Strengthen the Members of this body for their important work. Guide them to make decisions that will accomplish Your purposes in our world. Give them an abiding sense of Your presence and an awareness that they are never alone. By Your grace, lead them through the seasons of their labors, through tough times as well as tranquil periods.

Give all of us the discernment to see what You are doing in our day and the willingness to be part of what You are making happen for humanity's good. Deliver us from missing opportunities to serve You because we are preoccupied with life's trivia. Lead us from darkness to light and from chaos to calm.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 13, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this week, we are beginning with the House message on the Taxpayer Relief Act. This bill passed the Senate on February 2 by a vote of 66 to 31. The House has appointed conferees, and we are now taking up that message to appoint Senate conferees. There will be motions to instruct the conferees that will be offered by the other side. They have provided us with a list, and we hope they will not all be offered. We will be discussing

that shortly after the opening this morning.

In any event, we will begin the process of appointing conferees with votes on the motions to instruct. As I announced on Friday, we will debate the motions today and stack the votes to begin around 8 o'clock this evening. Therefore, we do expect votes to begin at that time. We may decide to have some of the votes on Tuesday morning, depending on how many of these motions to instruct the other side offers, but we will make that determination after we discuss what will be offered, and hopefully, during the course of the afternoon, I am sure that will settle out. I will reiterate that we will be in session into the evening with those votes.

This is the last week of legislative business before the Presidents' Day recess. We will first appoint conferees on the tax bill, and we will return to the asbestos bill after we address the tax bill over the course of today and likely into the early morning tomorrow.

We have a point of order pending to the asbestos bill, and Senators will desire some further debate before we vote on that waiver motion. We will be conferring with Senators on both sides to determine the best time for that vote.

Finally, I also mention that we need to address the PATRIOT Act before we leave. We will complete the PATRIOT Act before we leave. It is a bill that addresses concerns on both sides of the aisle, and we will proceed to that bill before finishing the week. Senators should not plan to depart early this week. As my colleagues can tell, we

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S1077

have a very busy week planned with the three matters I have mentioned.

In addition, I hope we will be able to proceed with appointing conferees to the pensions bill as well. It will be a full week, and I will be updating Members as the week progresses, but it will be a week that will require votes today, Tuesday, Wednesday, Thursday, and Friday to complete our business.

Mr. REID. Mr. President, through the Chair to the distinguished majority leader, how many votes does the majority leader intend to have tonight?

Mr. FRIST. Mr. President, through the Chair in response, it really depends on how many of these motions we have. They are coming from the Democratic side of the aisle, and although a list has been provided, how many actually will require a vote—I would think we would have at least two tonight, and then if there are a lot of motions, we would have to have more tonight because we do need to complete whatever votes there are tomorrow and then get back to the asbestos bill in the morning to continue to address the waiver of the point of order.

Mr. REID. Mr. President, the distinguished majority leader mentioned the PATRIOT Act. While the Presiding Officer is in the chair, I express my personal appreciation for the many hours of work he put forth in resolving the PATRIOT Act dispute. It was a bipartisan problem. The distinguished junior Senator from New Hampshire worked long and hard to come up with a conclusion. I appreciate being advised during the process as he was visiting with the White House. Of course, as has been said, the Presiding Officer didn't get everything he wanted, certainly I didn't, but it is a much better piece of legislation than when it came back from the House. So I compliment and applaud the Senator from New Hampshire for his hard work.

I say through the Chair to the distinguished majority leader, we are ready to move forward on this legislation. As has been explained by the Senator from Tennessee, we have at least one Senator who is going to make us go through all the procedural hoops, so that will take some time. But the vast majority of the Senators over here want this matter to move forward, and we will offer help in any way we can to move this along, with the understanding that there are some who want to make sure that all of the procedural hoops are jumped.

Mr. FRIST. Mr. President, in brief response, as I outlined, we are ready pretty soon to go to the PATRIOT Act. I agree, the negotiations which have taken place under the leadership of the Presiding Officer have gone smoothly, and I think we are going to have an overwhelming vote in the Senate. The House, through their leadership, has expressed support, as I believe the administration has. So I do wish to make a request of our colleagues that although there are procedural hoops which we can be made to jump

through, I don't think it is in the best interests of the American people to unduly delay this important bill that essentially, at least by statements today, is going to have overwhelmingly, strong support.

We do have a lot to do this week, and we will use the time as effectively and efficiently as possible. But if we keep having delays such as people coming back tonight to vote on motions to instruct, on which we could argue as to how useful that actually is, or we have too many procedural roadblocks based on this bill, it is going to be impossible for us to move ahead and move the country forward when we have so much important legislation. So I think we can complete all of our business this week, but it is going to take a lot of cooperation on both sides of the aisle not to throw too many procedural roadblocks in front of us.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

SENATE AGENDA

Mr. REID. Mr. President, we do have eight motions to instruct. I doubt very seriously there will be any others. I will say this: This is the procedure, and if the minority wanted to stall this budget reconciliation conference, we could do that. Under the rules of the Senate, we could have, instead of the 8 motions to instruct, 80 or 800. We are not in any way trying to prevent this legislation from going through. As bad as it is, we recognize that we have had a fair shot at it on the floor on a number of occasions. But the eight instructions are instructions that are well taken, and we hope the conferees will follow these instructions. We don't know if any of them will be agreed to. We certainly hope so, but it is certainly something that is worth debating.

I was surprised to hear that the distinguished majority leader, when he announced we were going to this piece of legislation, this budget matter, did not call it what it has been called for more than a year; that is, the Budget Deficit Reduction Act of 2005. I guess everyone has come to the realization that the Budget Deficit Reduction Act does not reduce the deficit; it increases it by \$50 billion. And I guess there has been a change of name, calling it the Taxpayer Relief Act. I guess if you are rich, it is a Taxpayer Relief Act, but for the poor and middle class, it increases the deficit and it is not a fair piece of legislation.

On asbestos, I believe there are two groups of people who really need to make sure Congress takes care of them: those people who, through no fault of their own, get the dreaded mesothelioma and they die, and asbes-

tosis, which is aggravating and serious, and they die; one just takes longer than the other. The goal of the Senate should be to make sure these two groups of victims are compensated for their pain and suffering, which came about through no fault of their own. What we want to try to avoid are the bad cases, the ones that are taking too much of the court's time and taking valuable resources from these people who are really sick.

I made a commitment to the junior Senator from Texas, Mr. CORNYN, that I believe we need asbestos legislation. I really do believe that. I have told him I would be happy to work with him and Senator DURBIN, as my designee, to try to come up with legislation that is patterned after successful programs in Illinois and Texas, where there is medical criteria set up.

For example, in Illinois, they have a pleural registry where people are able to list their names if they work around asbestos, the statute of limitations is tolled, and then if something happens to them down the road, they are not prevented from going to court as a result of the statute of limitations. It would do away with the bad cases.

As I said, we are committed to coming up with legislation such as that. Senator CORNYN offered some, but there wasn't an ample amount of time to debate his suggestion, and that is too bad. But we are willing to work with him on something similar to what he came up with. I believe it is important that we do that, and I am certainly making a commitment that we will work to see what we can come up with on medical criteria legislation to, in effect, get rid of the bad cases and allow these two sets of victims to move forward.

This FAIR Act we have before the Senate is anything but fair. I have explained how this bill will harm victims by trapping them in administrative claims systems which are irreparably defective and doomed to failure.

One of the primary reasons the trust fund is doomed to fail is because of unrealistic and sloppy calculations that led to the \$140 billion trust fund in the first place. In designing this bill, the bill sponsors have not adequately assessed the number of future claims by asbestos victims, the borrowing costs necessary for the trust fund to function, and the administrative costs associated with operating the trust fund and claims system.

Last August, the Congressional Budget Office estimated the program could generate as much as \$150 billion in claims, leaving the trust fund way short, billions of dollars short. As I have explained, even that figure understates the problem because the bill does not adequately take into account the trust fund's borrowing costs, further depleting the compensation available to victims. The CBO estimates approximately \$8 billion will be borrowed before the first decade, an amount that will saddle the fund with huge debt-